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PATENT  
5468-05000/AUS9000386US1

*See mly*

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:  
Smith, Jr. et al.

Group Art Unit: 2643  
Examiner: Pham, T.

Serial No. 09/662,431

Atty. Dkt. No. AUS9000386US1

Filed: September 13, 2000

For: AUTOMATIC UPDATE OF A  
DIRECTORY ENTRY WITHIN A  
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10/11/2004  
Date

*Kevin C. Daffer*  
Kevin C. Daffer

TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION  
OVER CO-PENDING APPLICATIONS

Box Non-Fee Amendment  
Assistant Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Dear Sir/Madam:

1. International Business Machines Corporation is the owner of all rights in the captioned application.
2. As sole owner in the captioned application, International Business Machines Corporation hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154-156 and 173, as presently shortened by any terminal disclaimer, of prior U.S. Patent No. 6,603,839.
3. International Business Machines Corporation hereby agrees that any patent so granted on the captioned application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the captioned patent application and is binding upon the grantee of such patent, and its or his successors or assigns.

SN 09/662,431 Terminal Disclaimer

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Page 1 of 2

PAGE 16/17 \* RCVD AT 10/11/2004 4:31:21 PM [Eastern Daylight Time] \* SVR:USPTO-EFAXF-1/4 \* DNIS:3729306 \* CSID:5127031250 \* DURATION (mm:ss):10-02

11/18/04

8110.00 1814

10/11/04 DA 503268

4. In making the above disclaimer, International Business Machines Corporation does not disclaim the terminal part of any patent granted on the captioned patent application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154-156 and 173 of U.S. Patent No. 6,603,839 as presently shortened by any terminal disclaimer, in the event that it later: (i) expires for failure to pay a maintenance fee, (ii) is held unenforceable, (iii) is found invalid by a court of competent jurisdiction, (iv) is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, (v) has all claims canceled by a reexamination certificate, (vi) is reissued, or (vii) is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

5. International Business Machines Corporation certifies that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of an assignment from the inventors of the patent application identified above.

6. The undersigned, being an appointed attorney or agent of record, is empowered to act on behalf of International Business Machines Corporation. The Commissioner is authorized to charge the terminal disclaimer fee under 37 CFR 1.20(d) to Conley Rose, P.C. Deposit Account No. 50-3268/5468-05000.

7. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under United States Code, Title 18 § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,



Kevin L. Daffer  
Reg. No. 34,146  
Attorney for Applicant(s)

Conley Rose, P.C.  
P.O. Box 684908  
Austin, TX 78768-4908  
(512) 476-1400  
Date: October 11, 2004

## PATENT APPLICATION FEE DETERMINATION RECORD

Effective December 29, 1999

Application or Docket Number

Or 602431

## CLAIMS AS FILED - PART I

(Column 1)

(Column 2)

FOR	NUMBER FILED	NUMBER EXTRA
BASIC FEE		
TOTAL CLAIMS	22 minus 20 =	2
INDEPENDENT CLAIMS	4 minus 3 =	1
MULTIPLE DEPENDENT CLAIM PRESENT		

\* If the difference in column 1 is less than zero, enter "0" in column 2

SMALL ENTITY  
TYPE ☐OTHER THAN  
SMALL ENTITY

RATE	FEE	OR	RATE	FEE
	345.00			690.00
X\$ 9=			X\$18=	36
X39=			X78=	78
+130=			+260=	
TOTAL			TOTAL	854

## CLAIMS AS AMENDED - PART II

(Column 1)

(Column 2)

(Column 3)

AMENDMENT A	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
Total	22	20	2
Independent	4	3	1
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM			

SMALL ENTITY

OTHER THAN  
SMALL ENTITY

RATE	ADDITIONAL FEE	OR	RATE	ADDITIONAL FEE
X\$ 9=			X\$18=	36.00
X39=			X78=	78.00
+130=			+260=	
TOTAL ADDIT. FEE			TOTAL ADDIT. FEE	804.00

AMENDMENT B	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
Total	19	22	
Independent	3	4	
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM			

RATE	ADDITIONAL FEE	OR	RATE	ADDITIONAL FEE
X\$ 9=			X\$18=	
X39=			X78=	
+130=			+260=	
TOTAL ADDIT. FEE			TOTAL ADDIT. FEE	

AMENDMENT C	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
Total	19	22	
Independent	3	4	
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM			

RATE	ADDITIONAL FEE	OR	RATE	ADDITIONAL FEE
X\$ 9=			X\$18=	
X39=			X78=	
+130=			+260=	
TOTAL ADDIT. FEE			TOTAL ADDIT. FEE	

\* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.

\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20."

\*\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3."

The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.